

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA, §
§
Plaintiff, §
VS. § MAGISTRATE ACTION NO. C-07-526
§
OSWALDO LEIJA, §
§
Defendant. §

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

- (1) There is probable cause to believe the defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841(b)(1)(C); and
- (2) The defendant has not rebutted the presumption that no condition or combination of conditions will reasonably safety of the community.

The evidence against the defendant is substantial. The findings and conclusions contained in the Pretrial Services Report are adopted, supplemented by the testimony of the defendant's wife Melanie Leija. The defendant has rebutted the presumption that he is a risk of flight. He has life long ties to the Corpus Christi area and has never failed to appear in court. But the defendant has not rebutted the presumption that he presents a danger to the community. Both of his prior convictions involve drugs. His prior probationary sentence was revoked because he was unable to comply with conditions. These offenses occurred last year and involve

direct sales of drugs to confidential sources and undercover officers. When the defendant was arrested, he was in possession of drug scales, indicating that he continues to be involved in drug trafficking. There are no conditions which would protect the community.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 19th day of September, 2007.



B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE